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Remarks

Claims 26-39 are canceled, claims 7 and 22 are amended, and claims 40-43 are added herein. Claims 1-25 and 40-43 will be pending upon entry of this amendment.

The following remarks are responsive to the Office action mailed December 21, 2005.

Response to Election/Restriction Requirement

Applicants affirm the election made by the undersigned, without traverse, of Group I (claims 1-25) for further prosecution on the merits. Claims 26-39, which were not elected, are canceled herein. Applicants reserve the right to further pursue the non-elected claims in a separate application.

Applicants submit that added claims 40-43 are directed to the elected group.

Response to Rejection of Claims under 35 USC §112

Claim 7 is amended herein to delete the recitation "said third microlayer film region has an absorbent capacity of at least about 10 grams of saline per gram of microlayer film in the region," to obviate the Office's rejection of claim 7 under 35 USC §112. Accordingly, applicants submit that claim 7 now satisfies the requirements of 35 USC §112.

Response to Rejection of Claims

Claim 1

Claim 1 is directed to an absorbent article comprising a unitary system of microlayered film constructed and arranged for performing the multiple functions of such absorbent article. The system comprises;

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at least one first microlayer film region having a liquid intake function,

at least one second microlayer film region having a liquid uptake and distribution function,

at least one third microlayer film region having a liquid retention function, and

at least one fourth microlayer film region having a liquid barrier function.

Claim 1 is submitted to be unanticipated by and patentable over the references of record, and in particular, U.S. Patent No. 6,071,450 (the '450 Patent) and U.S. Patent Application Publication No. 2004/0091677 (the '677 Application), in that whether considered alone or in combination, the references fail to show or suggest an absorbent article comprising a unitary system of microlayered film constructed and arranged for performing the multiple functions of the absorbent article.

As shown in Fig. 3, the '450 Patent discloses an absorbent article (e.g., diaper 100) having an outer cover layer 120, a liquid permeable liner layer 130, and an absorbent body 140 located between the outer cover layer and the liner layer. The outer cover layer 120 is a water degradable microlayer polymer film.

None of the other components of the article are disclosed or suggested by the '450 Patent as being microlayer films. The liner layer 130 and the absorbent body 140 disclosed by the '450 Patent are conventional. More specifically, the '450 Patent indicates that the liner layer 130 can be manufactured from porous foams, reticulated foams, apertured plastic films, natural fibers, synthetic fibers, or a combination of natural and synthetic fibers. The absorbent body 140 can be made from a

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matrix of substantially hydrophilic fibers having a distribution of high-absorbency material, such as particles of superabsorbent polymer. Thus, the '450 Patent fails to teach or suggest that the liner 130 or the absorbent body 140 can be made from microlayer films. There is also no teaching found in the '450 Patent that the microlayer polymer film that functions as the outer cover layer also provides a liquid intake and a liquid retention function. Rather these functions are provided by the inner layer and absorbent body. As a result, the '450 Patent fails to teach or suggest the combination of at least four different microlayer film regions having the different functions as recited in claim 1.

The '677 Application discloses a microlayer polymer film including a plurality of layers of an elastomeric, melt-extrudable polymer and a plurality of corrugated layers comprised of a melt-extrudable polymer. The plurality of elastomeric layers and plurality of corrugated layers are arranged in a series of parallel repeating laminate units, with each laminate unit comprising at least one of the elastomeric layers and at least one of the corrugated layers. The corrugations form void spaces in each microlayer that can be used to modify or enhance properties of the microlayer film, such as improved fluid retention and distribution. The '677 Application discloses that the microlayer polymer films can be used in absorbent articles.

However, nowhere does the '677 Application disclose a unitary system of microlayered film constructed and arranged for performing the multiple (different) functions of the absorbent article as recited in claim 1. Instead, the '677 Application teaches that the properties of the entire microlayer film can be

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different than the properties of another microlayer film. Nowhere does the '677 Application teach or suggest altering the properties of the film such that different regions of the film have different properties. In the '677 Applications, all of the regions of the film have the same properties. Accordingly, the '677 Application does not teach nor even suggest an absorbent article having a unitary system of microlayered film constructed and arranged for performing the multiple functions of the article as recited in claim 1.

For these reasons, claim 1 is submitted to be unanticipated by and patentable over the references of record including the '450 Patent and the '677 Application.

Claims 2-21, 40, and 41 depend either directly or indirectly from claim 1 and are submitted to be patentable over the references of record for at least the same reasons as claim 1.

Claims 16 and 17

The present application (Application No. 10/647,414) to Vukos et al. and U.S. Patent Application Publication No. 2004/0091677 to Topolkaraev were commonly owned by or subject to an obligation of assignment to Kimberly-Clark Worldwide, Inc. of Neenah, Wisconsin at the time the present invention was made.

Accordingly, the '677 Application is disqualified under 35 U.S.C. §103(c) as prior art in a rejection under 35 U.S.C. §103(a). As a result, the Office's rejection of claims 16 and 17 should be withdrawn.

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Claim 22

Claim 22 is directed to an absorbent article comprising a liquid intake region, a liquid uptake and distribution region, a liquid retention region and a barrier region, at least the liquid retention region and the barrier region comprising microlayer films.

Claim 22 is submitted to be unanticipated by and patentable over the references of record, and in particular the '450 Patent, in that whether considered alone or in combination, the references fail to show or suggest an absorbent article comprising a liquid retention region and a barrier region comprising microlayer films.

As mentioned above with respect to claim 1, the '450 Patent discloses an outer cover layer made from a microlayer polymer film. However, none of the other components of the article are disclosed or suggested by the '450 Patent as being microlayer films. As a result, the '450 Patent fails to teach or suggest an absorbent article comprising a liquid retention region and a barrier region comprising the combination of microlayer films recited in claim 22.

For these reasons, claim 22 is submitted to be unanticipated by and patentable over the references of record, including the '450 Patent.

Claims 23-25, 42, and 43 depend from claim 22 and are submitted to be patentable over the references of record for at least the same reasons as claim 22.

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New Claims 40-43

Claim 40

Claim 40 depends from claim 1 and further recites that the first microlayer film region includes perforations, and wherein the fourth microlayer film region is substantially free of perforations.

Claim 40 is further submitted to be patentable over the references of record, including the '450 Patent and the '677 Application, in that whether considered alone or in combination the references fail to disclose or otherwise suggest an absorbent article having a microlayer film region with perforations and another microlayer film region without perforations.

Claim 41

Claim 41 also depends from claim 1 and further recites that the first microlayer film is substantially non-delaminated, and wherein at least one of the other regions is at least partially delaminated.

Claim 41 is further submitted to be patentable over the references of record, including the '450 Patent and the '677 Application, in that whether considered alone or in combination the references fail to disclose or otherwise suggest an absorbent article having a microlayer film region that is at least partially delaminated and another microlayer film region that is not delaminated.

Claim 42

Claim 42 depends from claim 22 and recites that the liquid uptake and distribution region includes perforations, and

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wherein the barrier region is substantially free of perforations.

Claim 42 is further submitted to be patentable over the references of record, including the '450 Patent, in that whether considered alone or in combination the references fail to disclose or otherwise suggest an absorbent article having a liquid uptake and distribution region with perforations and a barrier region without perforations.

Claim 43

Claim 43 also depends from claim 22 and recites that the intake region is a substantially non-delaminated microlayer film, and the liquid retention region is at least partially delaminated.

Claim 43 is further submitted to be patentable over the references of record, including the '450 Patent, in that whether considered alone or in combination the references fail to disclose or otherwise suggest an absorbent article having an intake region that is a substantially non-delaminated microlayer film and a liquid retention region that is at least partially delaminated.

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Conclusion

In view of the foregoing, favorable consideration and allowance of claims 1-25 and 40-43 is respectfully requested.

Respectfully submitted,



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